

EXHIBIT 1

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON DIVISION**

**MARIETTA MEMORIAL HOSPITAL,
an Ohio Corporation, *et al.*,**

Plaintiffs,

v.

Civil Action No. 2:16-cv-08603

**WEST VIRGINIA HEALTH CARE
AUTHORITY,**

Defendant.

**WEBSTER J. ARCENEUX, III'S AFFIDAVIT IN SUPPORT OF
MOTION FOR ATTORNEY'S FEES AND EXPENSES**

STATE OF WEST VIRGINIA

COUNTY OF KANAWHA, To-wit:

I, Webster J. Arceneaux, III, being first duly sworn upon my oath, hereby come forth and state as follows:

1. I received my Doctor of Jurisprudence degree from the West Virginia University College of Law in 1980. I became a member of the West Virginia Bar in that year.

2. I am also a member of the U. S. District Courts for the Northern and Southern Districts of West Virginia. I have been admitted to practice before the Fourth and Sixth Courts of Appeals. I have also been admitted to practice before the Supreme Court of the United States.

3. Between 1980 and the present, the undersigned has held the following positions:

1980-1981	Law Clerk to Justice Thomas B. Miller, Supreme Court of Appeals of West Virginia
1981-1982	Associate, Kaufman & Ratliff
1982-1985	Counsel and then General Counsel, District 17, United Mine Workers of America
1985-1986	Deputy Attorney General, Environment and Energy Division
1986-1990	Associate, McIntyre Haviland & Jordan

1990- Associate and then, as of 1993, Partner, Lewis Glasser, PLLC

4. Through thirty-seven years of legal practice, the undersigned has developed substantial experience in federal court litigation related to constitutional and Civil Rights matters, including claims under the 42 U.S.C. § 1983.

5. I have previously been awarded attorney's fees in a variety of cases before the West Virginia Supreme Court, the Circuit Courts of West Virginia, and the West Virginia Human Rights Commission. Judge Frederick P. Stamp, Jr. in the Northern District of West Virginia awarded me attorney's fees as a Rule 11 sanction in *Buckhannon Board & Care Home v. West Virginia Department of Health & Human Resources*, Civil Action No. 2:96-cv-106 by unpublished order entered on April 22, 1999. My primary request for attorney's fees in that case under the catalyst theory was rejected by the United States Supreme Court in *Buckhannon Board & Care Home, Inc. v. W. Va. Department of Health & Human Resources*, 532 U.S. 598 (2001).

6. My partner, Thomas G. Casto, received his Doctor of Jurisprudence degree from the West Virginia University College of Law in 1982. He is a member of the U. S. District Court for the District of West Virginia and the Supreme Court of the United States. He was an Assistant Prosecuting Attorney for Kanawha County, West Virginia from 1982-1990. He was an associate and, in 1994, became a partner at Lewis Glasser, PLLC which is his current position. Through his practice at Lewis Glasser, PLLC he has specialized in and developed substantial experience in health care matters, including matters involving the West Virginia Health Care Authority and the Certificate of Need Program.

7. Valerie Raupp is currently a senior associate with our firm. She received her Doctor of Jurisprudence degree from the College of William and Mary, Marshall-Wythe School of Law in 2001 and became a member of the Virginia state bar that same year. She continues to be

an active member in good standing of the bar of the Commonwealth of Virginia. She became a member of the Mississippi Bar in 2004, and is currently an inactive member in good standing of that Bar. She became a member of the West Virginia State Bar in 2007 and has worked with Lewis Glasser PLLC in private practice since that time. Ms. Raupp has approximately fifteen (15) years of experience and has worked for the United States Department of Labor, Office of Administrative Law Judges and in private practice with law firms in Mississippi, Virginia and West Virginia in various administrative, civil and commercial litigation matters.

8. Spencer D. Elliott is a senior associate with our firm. He is a 1999 Order of the Coif law graduate from West Virginia University College of Law, served on West Virginia Law Review and has over 16 years of experience in bankruptcy, civil and commercial law.

9. Attached hereto as Exhibit A is the proposed and requested lodestar calculation for attorney's fees and costs in this matter. These reflect the actual rates charged to Plaintiffs pursuant to an hourly fee agreement, as reflected on the itemized statements attached as Exhibit B, as voluntarily reduced. *See* Exhibit B (itemized statements).

10. In preparing this affidavit, I reviewed this firm's time entries, and I deleted from the bill time more closely related to legislative activities involving the statute at issue, time identified as solely related to the *Defendants' Motion to Dismiss James L. Pitrolo, Sonia D. Chambers, and Marilyn G. White in their Official and Individual Capacities*, and time spent in preparation of the instant motion. *See* Exhibit B.

11. I believe the hourly rates for myself, for my partner, for my associates and for my paralegals is well within the range of what other counsel have been awarded in the state of West Virginia for similar legal services and is therefore a fair and reasonable rate for the litigation of this case.

Webster J. Arceneaux, III
Webster J. Arceneaux, III (State Bar ID No. 155)
LEWIS GLASSER, PLLC
Post Office Box 1746
Charleston, West Virginia 25326

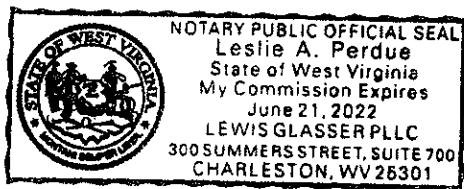
STATE OF WEST VIRGINIA

COUNTY OF KANAWHA

Signed and sworn before me this 7th day of December, 2017, by Webster J. Arceneaux,

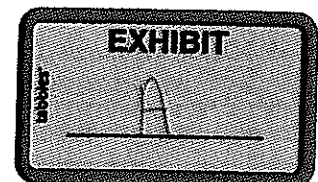
III.

My commission expires June 21, 2022.



Leslie A. Perdue
Notary Public

TIMEKEEPER	PROPOSED RATE	PROPOSED HOURS	PROPOSED LODESTAR
Webster J. Arceneaux, III, attorney	\$325.00 \$350.00	13.25 <u>132.5</u> 145.75	\$4,306.25 <u>\$46,375.00</u> \$50,681.25
Thomas G. Casto, attorney	\$325.00 \$350.00	35.50 <u>165.25</u> 200.75	\$11,537.50 <u>\$57,837.50</u> \$69,375.00
Valerie Harris Raupp, attorney	\$275.00	170.25	\$46,818.75
Spencer Elliott, attorney	\$300.00	6	\$1,800.00
Anna Casto, legal clerk	\$125.00	14	\$1,750.00
Michael Evans, paralegal	\$150.00	0.75	\$112.50
Dora Radford, paralegal	\$150.00	26.5	\$3,975.00
Beth Hager, paralegal	\$150.00	.40	\$60.00
TOTAL	Fees/Hrs Costs Total Billing	564.40	\$174,572.50 <u>\$435.34</u> \$175,007.84
VOLUNTARY REDUCTION			(\$38,062.00)
TOTAL			\$136,945.84





Lewis Glasser PLLC

300 Summers Street, Suite 700 Charleston, WV 25301

Phone: 304.345.2000

FEIN: 55.0486513

Marietta Mem. Health Systems
401 Matthew Street
Marietta, OH 45750

Statement Date 07/31/2016
Account No. 9436 36264
Statement No. 1
Page No. 1

RE: Ambulatory Care Center Statute Litigation

			HOURS	
07/12/2016	TGC	Review exemption application filing. Emails with Paul Westbrook, Patsy Hardy and Scott Cantley.	0.75	243.75
07/13/2016	TGC	Emails with Patsy Hardy, Paul Westbrook and Debbie Beaver. Call with Westbrook and Hardy. Conference with WJA regarding commerce clause issues. Review legal issues. Emails with Paul Westbrook. Emails with Paul Westbrook, Patsy Hardy and Scott Cantley.	1.00	325.00
			3.00	975.00
	WJA	Discussions with TGC regarding legal issues under commerce clause. Research of applicable law regarding commerce clause. Meet with AGC regarding complaint to be filed.	1.00	325.00
07/14/2016	AGC	Review file and researched constitutional issues.	1.00	125.00
	TGC	Conference with WJA. Emails with Paul Westbrook, Patsy Hardy and Scott Cantley. Review litigation strategy. Draft exemption application.	1.00	325.00
			3.00	975.00
	WJA	Review issues on procedure and potential injunction with TGC and AGC. Review emails between Tom and Paul.	0.75	243.75
07/15/2016	TGC	Call with Patsy Hardy and Scott Cantley. Emails with patsy Hardy. Call with Patsy Hardy. Review strategy for federal court filing and possible impact on Hopkins matter. Draft 30-day notice.	2.50	812.50
		FOR CURRENT SERVICES RENDERED	12.00	3,700.00

RECAPITULATION

TIMEKEEPER	HOURS	HOURLY RATE	TOTAL
Anna Casto	1.00	\$125.00	\$125.00
W.J. Arceneaux, III	1.75	325.00	568.75
Thomas G. Casto	9.25	325.00	3,006.25

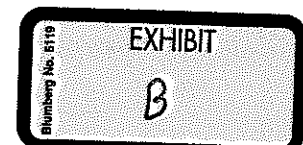
2,156.25

TOTAL CURRENT WORK

3,700.00

BALANCE DUE

\$3,700.00



To ensure proper credit of payment, please include account number on remittance. Thank you.



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300 Summers Street, Suite 700 Charleston, WV 25301

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Marietta Mem. Health Systems
401 Matthew Street
Marietta, OH 45750

Statement Date	08/29/2016
Account No.	9436 36264
Statement No.	2
Page No.	1

RE: Ambulatory Care Center Statute Litigation

PREVIOUS BALANCE	\$3,700.00
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			HOURS	
07/18/2016	AGC	Review law for Due Process and DCC.	1.00	125.00
	TGC	Conference with WJA.	0.25	81.25
07/19/2016	AGC	Drafting Complaint/ legal research.	3.00	375.00
	TGC	Review complaint, law and discuss strategy.	1.00	325.00
	WJA	Discuss status of complaint with AGC.	0.25	81.25
07/20/2016	AGC	Draft complaint/legal research.	2.00	250.00
	TGC	Review complaint, law and discuss strategy. Review other exemption decisions by the HCA.	1.00	325.00
			2.00	650.00
	WJA	Review pleading allegations with T and A Casto.	0.25	81.25
07/21/2016	TGC	Call with Patsy Hardy. Review and revise complaint, law and discuss strategy.	2.00	650.00
	WJA	Review potential non-payment lawsuit with TGC.	0.25	81.25
07/22/2016	AGC	Complaint.	2.00	250.00
	TGC	Review and revise complaint, law and discuss strategy.	1.00	325.00
07/25/2016	TGC	Review and revise complaint, law and discuss strategy. Emails with Patsy Hardy and Paul Westbrook.	1.00	325.00
	WJA	Revise complaint. Discuss issues with TGC.	3.50	1,137.50
07/26/2016	AGC	Legal Research on due process.	2.00	250.00
	TGC	Review and revise complaint, law and discuss strategy.	3.00	975.00
	WJA	Revise complaint. Email to TGC and AGC for review. Research of applicable law of regarding due process claim. Add TGC changes to complaint.	4.50	1,462.50
07/27/2016	TGC	Review and revise complaint, law and discuss strategy.	1.00	325.00
	WJA	Review issues with TGC on complaint. Revise complaint.	0.25	81.25
07/28/2016	TGC	Review and revise complaint, law and discuss strategy.	0.50	162.50
	WJA	Revise complaint to include potential for court to rule that no CON required for		

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Marietta Mem. Health Systems
RE: Ambulatory Care Center Statute Litigation

Statement Date: 08/29/2016
Account No. 9436 3626
Statement No. 2
Page No. 2

			HOURS	
		any hospital.	1.00	325.00
07/29/2016	TGC	Draft 30 day notice. Review and revise complaint, law and discuss strategy. Emails with WJA. Emails with Paul Westbrook, Patsy hardy, WJA.	1.50	487.50
	WJA	Discuss complaint and 30-day notice letter with TGC.	0.25	81.25
08/01/2016	TGC	Emails with Paul Westbrook. Review and revise complaint, law and discuss strategy. Emails with Patsy Hardy.	2.00	650.00
08/02/2016	TGC	Emails with WJA. Review and revise notice letter, complaint, law and discuss strategy. Emails with Paul Westbrook and Patsy Hardy. Call with WJA and Paul Westbrook. Emails with Hardy.	2.00	650.00
	WJA	Revise complaint and 30 day letter. Approve for filing. Conference call with Paul Westbrook and Tom.	0.75	243.75
08/03/2016	AGC	Legal research on equal protection.	1.00	125.00
	TGC	Finalize and file 30 day notice letter and draft complaint. Call with Marianne Kapinos, HCA. Emails with client.	1.00	325.00
08/04/2016	TGC	Numerous emails from Marietta staff. Calls with Patsy Hardy. Email regarding status and time line of lawsuit.	1.50	487.50
08/05/2016	AGC	Research on equal protection/ memo on equal protection.	2.00	250.00
	TGC	Email from Patsy Hardy.	0.25	81.25
		FOR CURRENT SERVICES RENDERED	44.00	11,700.00

RECAPITULATION

<u>TIMEKEEPER</u>	<u>HOURS</u>	<u>HOURLY RATE</u>	<u>TOTAL</u>
Anna Casto	13.00	\$125.00	\$1,625.00
W.J. Arceneaux, III	11.00	325.00	3,575.00
Thomas G. Casto	20.00	325.00	6,500.00

11,375.00

TOTAL CURRENT WORK

~~41,700.00~~

BALANCE DUE

\$15,400.00



Lewis Glasser PLLC

300 Summers Street, Suite 700 Charleston, WV 25301

Phone: 304.345.2000

FEIN: 55.0486513

Marietta Mem. Health Systems
401 Matthew Street
Marietta, OH 45750

Statement Date 12/28/2016
Account No. 9436 36264
Statement No. 3
Page No. 1

RE: Ambulatory Care Center Statute Litigation

PREVIOUS BALANCE \$15,400.00

			HOURS	
08/19/2016	TGC	Conference with WJA. Draft equal protection section of complaint.	1.50	525.00
08/22/2016	WJA	Review issues with TGC regarding new application filed. Approve letter to Health Care Authority regarding same.	0.25	81.25
	TGC	Draft equal protection section of complaint. Review Camden Clark MOV exemption application. Draft notice letter to HCA/emails with Marianne Kapinos. Emails with Jim Thomas and Raymona Kinneberg. Emails with Paul Westbrook, Patsy Hardy and Scott Cantley.	1.00	325.00
			2.50	812.50
08/23/2016	WJA	Review issues with TGC regarding potential hearing with HCA.	0.25	81.25
	TGC	Revise complaint regarding equal protection count and update facts on CCMC-MOV Exemption filing. Emails with WJA. Email from Paul Westbrook.	1.50	487.50
08/24/2016	TGC	Conference with WJA. Call with Marianne Kapinos, HCA.	0.50	162.50
08/25/2016	TGC	Emails with WJA and VHR. Conference with VHR.	0.50	162.50
	VHR	Conference with WJA. Begin review research/complaint.	0.50	137.50
	WJA	Meeting with VHR regarding assistance on filing case. Prepare motion for TRO and preliminary injunction. Email to VHR with overview of case and critical documents. Project on.	0.75	262.50
08/26/2016	TGC	Call and emails with Patsy Hardy.	0.50	162.50
08/29/2016	TGC	Emails with WJA and VHR. Revise complaint. Receipt of Camden withdrawal of MOV-CON application. Emails with Paul Westbrook and Patsy Hardy. Call with Jim Thomas.	0.25	87.50
			4.50	525.00
	WJA	Research of applicable law regarding dormant commerce clause. Rullan and Colon Health decisions.	0.50	175.00
08/30/2016	VHR	Continue research and review of complaint.	2.50	687.50
	TGC	Conference with VHR. Revise Complaint. Research of applicable law.	2.00	700.00

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Marietta Mem. Health Systems
RE: Ambulatory Care Center Statute Litigation

Statement Date: 12/28/2016
Account No. 9436 3626
Statement No. 3
Page No. 2

			HOURS	
08/31/2016	VHR	Conference with TGC. Continue research and review.	1.25	343.75
	TGC	Conference with VHR. Review Virginia CON law regarding Colon Health case. Research of applicable law.	3.00	1,050.00
	WJA	Review issues on dormant commerce clause with TGC and VHR.	0.25	87.50
09/01/2016	TGC	Research of applicable law.	1.00	350.00
	VHR	Continue research.	0.75	206.25
09/02/2016	TGC	Review and revise complaint. Research of applicable law. Conference with WJA and VHR.	2.00	700.00
	VHR	Continue research. Conferences with WJA and TGC. Revise complaint. Emails regarding same.	1.50	412.50
	WJA	Discuss issues with VHR and TGC. Email to client regarding status. Email revised complaint.	0.50	175.00
09/06/2016	DLR	Drafting of Civil Cover and Summonses for Complaint. Shepardize cases. Notify attorney of findings. File complaint.	1.50	225.00
	TGC	Calls with WJA and Marianne Kapinos. Emails with WJA, VHR, Paul Westbrook, Patsy Hardy and Scott Cantley. Review revised complaint and their attachments.	1.50	525.00
	VHR	Continue review and revise Complaint for filing. Review shepards. Review vogt case.	1.25	343.75
	WJA	Exchange emails with client regarding filing. Conference call with TGC and Maryanne regarding injunction. Receipt and review of PSC CON pleadings. Email to client regarding same. Revise complaint and add jury demand. Email to client regarding filing confirmation. Send email to Maryanne with complaint.	1.25	437.50
09/07/2016	DLR	Drafting of waivers of service.	0.75	112.50
	TGC	Emails with VHR and WJA. Emails with Court. Review court filing documents.	0.75	262.50
	VHR	Research of and drafting injunction motion/orders.	7.00	1,925.00
	WJA	Work with DLR on waiver forms. Email to Maryanne regarding same. Email injunction issues with VHR. Obtain form orders for review.	0.75	262.50
09/08/2016	TGC	Emails with VHR regarding judge assignment.	0.50	175.00
	VHR	Research of and drafting injunction motion/orders.	2.00	550.00
09/09/2016	TGC	Emails with WJA.	0.50	175.00
	WJA	Revise motion for TRO and memo. Exchange emails with Pacific Legal Foundation. Email to clients regarding status.	1.75	612.50
09/12/2016	TGC	Emails with Marianne Kapinos and WJA. Emails with Patsy Hardy, Paul Westbrook, Scott Cantley and WJA. Conference with WJA. Review and revise or comment on injunction documents. Emails with HCA personnel and WJA.	1.00 2.00	350.00 700.00
	VHR	E-Mail regarding status of injunction motion and orders. Potential agreed order.	0.25	68.75
	WJA	Discuss injunction orders with VHR. Exchange emails with Marianne regarding service. Email to DLR regarding filing waiver forms. Telephone call from Marianne regarding agreed orders. Email to client regarding same.	0.50	175.00
09/13/2016	TGC	Conference with VHR and WJA. Review, revise and comment on injunction documents. Emails with Paul Westbrook, Patsy Hardy, Scott Cantley and		

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Marietta Mem. Health Systems
RE: Ambulatory Care Center Statute Litigation

Statement Date: 12/28/2016
Account No. 9436 3626
Statement No. 3
Page No. 3

			HOURS	
		WJA.	2.00	700.00
	VHR	Revise to Agreed injunction orders.	4.00	1,400.00
	DLR	Filing and serve waivers of service. Case management.	1.50	412.50
			0.50	75.00
09/14/2016	TGC	Conference with VHR. Review and revise proposed order.	1.50	525.00
	VHR	Review and revise injunction order and conferences regarding same.	1.50	412.50
	WJA	Revise injunction order. Email issues with VHR and TGC.	2.00	700.00
09/15/2016	TGC	Emails with WJA and Valerie Raupp. Review and revise proposed order. Call with Marianne Kapinos and WJA. Review and comment on Memo and Motion for TRO and Injunction.	2.00	700.00
	VHR	Review and revise order. Emails regarding same.	0.25	68.75
	WJA	Telephone call from Marianne regarding no order. Revise motion and memo and file. Email to client regarding same.	1.50	525.00
	DLR	Filing and service.	0.50	75.00
			0.50	175.00
09/16/2016	TGC	Emails with WJA and Marianne Kapinos. Emails with WJA, VHR and DR.	0.75	262.50
	WJA	Telephone call to law clerk regarding need for hearing on injunction. Receipt and review of status conference order. Email to Marianne and client. Exchange emails with VHR and TGC regarding legal research. Review notice and other standards for injunction.	1.00	350.00
	VHR	Emails regarding service. DHHR injunction by Johnston.	0.25	68.75
09/17/2016	TGC	Emails with VHR and WJA. Review past Judge Johnston injunction decisions.	1.00	350.00
	WJA	Exchange emails with VHR regarding legal research. Review cases.	0.75	262.50
	VHR	Begin injunction research and emails.	0.50	137.50
09/18/2016	VHR	Injunction research.	3.00	825.00
09/19/2016	DLR	Receipt of voicemail from district court regarding appearance of counsel. Forwarded same to attorney.	0.50	75.00
	TGC	Emails with Court. Conference with WJA. Emails with Greg Gibbs. Conference call with parties and Judge Johnston. Call with Paul Westbrook. Call with Marianne Kapinos. Review factual situation regarding Mid-Ohio Valley deal for stipulation.	2.00	700.00
			3.00	1,050.00
	WJA	Telephone call to VHR. Review issues with TGC. Research of applicable law regarding dormant commerce clause cases. Prepare for status conference. Attend status conference. Telephone call to Paul regarding hearing and injunction hearing issues. Telephone call from and to Marianne regarding stipulation. Start draft of stipulation.	4.00	1,400.00
	VHR	Continue research on evidence for injunction. Attend status conference with Judge Johnston by telephone.	0.75	206.25
09/20/2016	TGC	Review and revise stipulation. Call with Marianne Kapinos. Call with Patsy Hardy.	2.00	700.00
			3.00	1,050.00
	WJA	Exchange emails with client. Work on joint stipulation. Telephone call from and to Marianne regarding joint stipulation and individual liability. Research of applicable law regarding individual liability under 1983.	1.25	437.50
	DLR	Calendar hearing. Case management.	0.50	75.00
	VHR	Review orders. Review and revise Stipulation.	1.00	275.00

Marietta Mem. Health Systems
RE: Ambulatory Care Center Statute Litigation

Statement Date: 12/28/2016
Account No. 9436 3626
Statement No. 3
Page No. 4

			HOURS	
09/21/2016	TGC	Emails with Patsy hardy. Revise stipulation. Emails with WJA and client.	1.00	350.00
		Emails with WJA and Marianne Kapinos.	2.00	700.00
	WJA	Exchange emails with client and VHR and TGC. Final revisions to joint stipulation and email to Marianne. Research of applicable law regarding individual capacity.	1.25	437.50
	VHR	Continue review and revise stipulation. Emails regarding same.	0.25	68.75
09/22/2016	TGC	Receipt of hearing and status conference notices. Emails with Greg Gibbs. Emails with Greg Gibbs and Robin Eckhart. Call with WJA and Marianne Kapinos. Call with Kapinos, WJA and Court. Review and comment on agreed order.	2.00	700.00
	WJA	Research of applicable law regarding individual liability. Telephone call from M. Kapinos regarding standstill agreement. Telephone call to law clerk regarding conference call. Prepare proposed order. Conference call with TGC. Marianne and law clerk. Revise proposed order. emails to clients regarding same.	2.75	962.50
	VHR	Conference with WJA regarding hearing prep. Review order regarding stand still and continuance. Emails regarding same. Research regarding suing Board members individually and attorney fees.	0.50	137.50
			4.00	275.00
09/23/2016	TGC	Emails and conferences with WJA and VHR regarding 1983 and individual defendants. Emails with Dollinger, Kapinos, WJA and VHR.	3.00	1,050.00
	WJA	Research of applicable law regarding attorney's fees and official capacity. Exchange emails with TGC and VHR regarding same. Prepare motion for extension. Revise order and file. Email to client regarding status. Receipt and review of agreed order. Email to counsel and client regarding same.	0.50	175.00
			3.25	4,137.50
	VHR	Continue research and emails regarding individual liability for Board members and attorney fees/ injunction and emails regarding same. Emails regarding stand still order to court.	0.25	68.75
			4.25	1,468.75
09/26/2016	TGC	Review Friday filings.	2.00	700.00
09/28/2016	TGC	Receipt and review of Order.	0.50	175.00
09/29/2016	TGC	Emails with Patsy Hardy, WJA, Paul Westbrook.	0.50	175.00
09/30/2016	TGC	Emails with Patsy Hardy, WJA, Paul Westbrook. Receipt of Notice of Cancellation of the MOV-CON Hearing.	0.50	175.00
			3.00	1,050.00
10/03/2016	TGC	Research of applicable law.	0.50	175.00
10/05/2016	TGC	Research of applicable law.	1.50	525.00
10/06/2016	TGC	Emails with WJA, VHR and Paul Westbrook.	0.50	175.00
	WJA	Receipt and review of initial scheduling order. Collect planning report form. Prepare initial disclosure form. Obtain corporate disclosure form. Email to clients. Email to DLR regarding calendaring deadlines.	0.50	175.00
	VHR	Review scheduling order and emails regarding same.	0.25	68.75
10/07/2016	TGC	Receipt of Court order. Emails with WJA. Research of applicable law.	1.00	350.00

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RE: Ambulatory Care Center Statute Litigation

Statement Date: 12/28/2016
Account No. 9436 3626
Statement No. 3
Page No. 5

			HOURS	
10/11/2016	TGC	Research of applicable law.	0.50	175.00
	WJA	Exchange emails with counsel for WV HCA regarding status and stipulation.	0.25	87.50
10/12/2016	WJA	Review status and research projects with VHR.	0.25	87.50
	VHR	Conference with WJA regarding deadlines.	0.25	68.75
10/13/2016	TGC	Conference with VHR and WJA.	1.50	525.00
	WJA	Review status and stipulation issue with VHR.	0.25	87.50
	VHR	Telephone call to C. Riley regarding stipulation.	0.25	68.75
			1.00	350.00
10/14/2016	TGC	Review and comment on HCA revisions to Stipulation of Facts.	2.00	700.00
	WJA	Exchange emails with C. Riley regarding stipulation. Receipt and review of stipulation.	0.75	262.50
10/16/2016	TGC	Review and draft response to HCA arguments.	1.00	350.00
10/17/2016	TGC	Research of applicable law to review and respond to HCA arguments. Emails with WJA and VHR. Emails with Paul Westbrook. Telephone call with HCA counsel. Emails with client. Emails with Greg Gibbs and Robin Eckhart. Conference with WJA and VHR.	3.50	1,225.00
	WJA	Review stipulation. Conference call with VHR and TGC regarding same. Telephone call to C. Riley regarding Conference call tomorrow and stipulation issues. Email to clients regarding corp disclosure and conference call to discuss stipulation.	1.50	525.00
	VHR	Telephone conference with WJA, TGC and client. Revise stipulation. Review comments.	1.00	275.00
10/18/2016	TGC	Conference with Paul Westbrook and Patsy Hardy. Emails with Greg Gibbs and Robin Eckhart. Emails with Westbrook and Hardy. Telephone call with Greg Gibbs and Robin Eckhart. Telephone call with Bob Coffield regarding appeal of exemption in WVH case and UPMC intervention in the injunction. Review and revise joint stipulation. Review suggested exhibits.	2.00	700.00
			4.00	1,400.00
	WJA	Conference call with Paul and Patsy regarding joint stipulation. Conference call with Christine, Maryanne, et al regarding joint stipulation. Conversation with B. Coffield regarding appeal of exempt matter at HCA. Work with TGC and VHR on joint stipulation.	2.50	875.00
	DLR	Research of applicable law regarding filing, etc.	1.00	150.00
	VHR	Telephone call with expert. Telephone call with opposing counsel. Review and revise stipulation. Conferences regarding same. Hearing prep issues.	6.50	1,787.50
10/19/2016	TGC	Emails, calls, conferences, develop strategy and review of documents regarding case.	4.50	1,575.00
			6.00	2,100.00
	WJA		5.00	1,750.00
	DLR	Research of large document filing rule stipulation. Other hearing preparation.	4.50	675.00
	VHR	Joint stipulation. Conferences and review and revise.	4.50	1,237.50
10/20/2016	TGC	Emails, calls, conferences, develop strategy and review of documents regarding case.	4.00	1,400.00
	WJA	Meeting with TGC and VHR regarding hearing issues. Review of opposing response. Research of applicable law regarding dormant commerce clause.	3.50	1,225.00
	DLR	Hearing blow ups and hearing preparation.	3.00	450.00

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Marietta Mem. Health Systems
RE: Ambulatory Care Center Statute Litigation

Statement Date: 12/28/2016
Account No. 9436 3626
Statement No. 3
Page No. 6

			HOURS	
	VHR	Hearing prep emails. Outline for hearing.	1.00	275.00
10/21/2016	TGC	Emails, calls, conferences, develop strategy and review of documents regarding case.	2.00	700.00
	WJA	Prepare outline for hearing. Research of applicable law regarding dormant commerce clause.	5.00	1,750.00
	DLR	Preparation of hearing notebooks.	6.50	975.00
	VHR	Outline for hearing. Hearing prep.	3.00	825.00
10/22/2016	TGC	Emails with WJA and VHR.	0.50	175.00
	WJA	Review case decisions. Prepare for hearing.	0.75	262.50
10/23/2016	TGC	Prepare for hearing.	1.50	525.00
	WJA	Prepare argument outline. Prepare for hearing. Meeting with TGC and VHR.	4.00	1,400.00
	VHR	Review WJA outline. Prep for hearing. Meeting with WJA and TGC. Continue review of outlines.	2.25	618.75
10/24/2016	TGC	Attend hearing. Conferences with WJA and VHR regarding hearing issues and post hearing and brief issues. Emails with Bob Coffield, UPMC counsel. Emails with Paul Westbrook.	2.50 3.00	875.00 1,050.00
	WJA	Attend hearing. Argue for preliminary injunction. Research of applicable law regarding motion to dismiss.	2.50 4.00	875.00 1,400.00
	VHR	Prepare for hearing. Attend hearing. Review existing individual liability research.	2.75 3.25	756.25 893.75
10/25/2016	TGC	Emails, conferences, develop strategy and review of documents regarding case. Call with Bob Coffield.	1.00 1.50	350.00 525.00
	WJA	Email and discuss response to MTD with VHR. Research of applicable law applicable law regarding MTD.	2.25	787.50
	VHR	Individual liability issue.	0.50	137.50
10/26/2016	TGC	Review, revise and comment on response to motion to dismiss.	1.50	525.00
	WJA	Research of applicable law applicable regarding MTD.	2.50	875.00
	VHR	Begin research. Drafting response to Motion to Dismiss.	2.75	756.25
10/27/2016	TGC	Conference with WJA regarding 1983 issue. Call with representatives of other out of state hospitals regarding participation.	0.25 0.50	87.50 175.00
	WJA	Telephone call to J. Marshall and L. Simmons regarding law on 1983. Telephone call to C. Riley regarding possible agreed order.	0.25 1.00	87.50 360.00
10/28/2016	WJA	Telephone call from C Riley regarding no agreed order. Revise response to MTD.	0.25 1.50	87.50 525.00
10/31/2016	TGC	Review response to Motion to Dismiss. Conference with WJA.	0.50	175.00
	WJA	Research of applicable law regarding 1983 and motion to dismiss. Revise response to motion to dismiss.	3.50	1,225.00
11/01/2016	TGC	Telephone call with Bob Coffield regarding appeal issue and Mon General appearance in case. Emails with WJA and VHR. Emails with Paul Westbrook and Patsy Hardy. Call with Patsy Hardy.	1.00	360.00

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Marietta Mem. Health Systems
RE: Ambulatory Care Center Statute Litigation

Statement Date: 12/28/2016
Account No. 9436 3626
Statement No. 3
Page No. 7

			HOURS	
11/02/2016	WJA	Work on response to MTD and file. Prepare stipulation on dismissal of individual claims.	5.50	1,925.00
	TGC	Review and comment on Response to Motion to Dismiss. Call with Patey Hardy. Confer with WJA and VHR.	2.00	700.00
	DLR	Shepardize Motion in Support of. Filing and service of same.	4.00	150.00
	VHR	Continue drafting, review and revise Motion to Dismiss. Conferences and emails regarding same and Voluntary Dismissal of Individuals. Research regarding powers and duties of board members.	4.25	1,168.75
11/03/2016	TGC	Emails with WJA and Christine Riley. Emails with WJA. Emails with WJA, Paul Westbrook and Patey Hardy. Call with Jim Thomas regarding appeal issue.	1.00	350.00
	WJA	Exchange emails with Christine and Paul and revise stipulation of dismissal. File same.	0.50	175.00
11/07/2016	TGC	Emails with WJA and Christine Riley.	0.50	175.00
	WJA	Exchange emails setting up Rule 26(f) conference.	0.25	87.50
11/08/2016	TGC	Emails with WJA and client. Review HCA Answer. Conference with WJA.	1.00	350.00
	WJA	Receipt and review of answer. Email to client regarding same.	0.25	87.50
11/09/2016	DLR	Drafting of worksheet and report on planning meeting.	0.25	37.50
11/10/2016	TGC	Emails with WJA and DLR.	0.25	87.50
	WJA	Work with DLR on draft rule 26(f) report.	0.25	87.50
	DLR	Drafting of Planning Meeting worksheet. Draft report and forward to attorney to answer questions and comments.	1.00	150.00
11/11/2016	TGC	Emails with DLR, WJA and other counsel regarding Rule 26(f) meeting memo.	0.50	175.00
	DLR	Revise report and forward to counsel for comment.	0.50	75.00
11/14/2016	WJA	Receipt and review of discovery. Exchange emails with Christine and clients regarding same. Research of applicable law regarding contention interrogatories and objections. Conduct rule 26(f) conference and file report. Exchange email regarding draft discovery response and Rule 26(f) report with clients.	1.25	437.50
11/15/2016	WJA	Review discovery requests. Review P. Westbrook comments. Exchange emails regarding telephone conference and deadline for discovery.	0.75	262.50
	DLR	Receipt of discovery requests. Review local rules for Southern District regarding uniform definitions.	1.00	150.00
11/16/2016	WJA	Review discovery. Confer call with Paul, Patsy, TGC and VHR regarding discovery issues.	1.00	350.00
	TGC	Conference call regarding discovery. Emails with Paul Westbrook, WJA, VHR and Patsy Hardy.	1.00	350.00
	VHR	Review discovery responses of client. Telephone call regarding same.	1.00	275.00
	VHR	Begin drafting discovery requests to HCA.	0.25	68.75
11/17/2016	TGC	Emails with WJA and VHR. Review supplemental filing. Emails with Paul		

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Marietta Mem. Health Systems
RE: Ambulatory Care Center Statute Litigation

Statement Date: 12/28/2016
Account No. 9436 3626
Statement No. 3
Page No. 8

			HOURS	
		Westbrock, Patsy Hardy, WJA and VHR.	1.00	350.00
	WJA	Review filing by WVUH. Prepare motion for leave to file exhibit and supplemental filing of exhibit. Exchange emails with client regarding same.	2.50	875.00
	VHR	Conference regarding supplemental filing and emails regarding various.	0.25	68.75
11/18/2016	TGC	Emails with WJA, VHR and DLR.	0.50	175.00
	DLR	Process document for filing. Amend exhibit designations. File same.	0.50	75.00
11/22/2016	TGC	Emails with WJA, the Court and other parties. Review MOV valuation. Emails with WJA and VHR regarding valuation report issues.	0.25 1.00	87.50 350.00
	WJA	Review scheduling order. Email to law clerk regarding status.	0.25	87.50
11/23/2016	TGC	Conference with WJA regarding valuation report issues.	0.50	175.00
11/28/2016	TGC	Numerous emails with WJA, VHR and DR. Emails with WJA, VHR and Paul Westbrock.	0.50 1.00	175.00 350.00
	WJA	Exchange emails with VHR. Review scheduling orders and deadlines. Email to clients regarding Rule 26(a)(1) disclosure.	0.50	175.00
	DLR	Calendar scheduling order.	0.75	112.50
	VHR	Email regarding disclosures.	0.25	68.75
11/30/2016	WJA	Draft discovery responses and objections.	2.00	700.00
12/01/2016	WJA	Work on discovery responses.	1.75	612.50
12/02/2016	TGC	Emails with WJA, VHR, Christine Riley and Dora Radford.	0.50	175.00
	WJA	Exchange emails regarding extension of discovery time. File stipulation.	0.25	87.50
12/05/2016	TGC	Emails with Patsy Hardy. Conference with WJA.	0.50	175.00
12/06/2016	TGC	Conference with VHR and review regarding 26(a)(1) disclosures. Call with Patsy Hardy. Conference with WJA and VHR and review regarding 26(a)(1) disclosures.	1.00	350.00
	WJA	Meeting with VHR and TGC. 72 Rule 26(a)(1) disclosure and discovery issues.	0.50	175.00
	VHR	Begin drafting initial disclosures. Analysis of claims and documents. Witnesses needed to support and where located.	2.50	687.50
12/07/2016	TGC	Emails with WJA and VHR regarding Rule 26 disclosures.	0.50	175.00
	VHR	Conferences with WJA and TGC. Revise initial disclosures and email to client draft regarding same.	2.00	550.00
12/08/2016	TGC	Emails with DLR. Emails with VHR, WJA and Paul Westbrock. Conference with VHR. Emails with Patsy Hardy regarding MOV valuation issues. Call with VHR. Email with Patsy Hardy regarding schedule, status and Dr. Hopkins.	1.50	525.00
	VHR	Emails and continue revision of initial disclosures. Emails with client. Review client information of MOV.	0.75	206.25
12/09/2016	VHR	Emails and continue revision of initial disclosures. Email with client. Review client information on MOV.	0.75	206.25

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Marietta Mem. Health Systems
RE: Ambulatory Care Center Statute Litigation

Statement Date: 12/28/2016
Account No. 9436 3626
Statement No. 3
Page No. 9

			HOURS	
12/12/2016	BAH	File Certificate of Service for Plaintiffs' Rule 26(a)(1) Initial Disclosures with Clerk of Court using CM/ECF filing system.	0.20	30.00
	TGC	Emails with VHR, WJA, Patsy Hardy and Paul Westbrook. Conferences with VHR regarding 26(a) disclosure.	1.00	350.00
	VHR	Review and revise. Finalize and file initial disclosures. Emails regarding same.	1.25	343.75
12/14/2016	TGC	Emails and call with Patsy Hardy. Emails with VHR.	0.50	175.00
		FOR CURRENT SERVICES RENDERED	279.70	87,605.00

RECAPITULATION

TIMEKEEPER	HOURS	HOURLY RATE	TOTAL
W.J. Arceneaux, III	81.00	\$349.85	\$28,337.50
Thomas G. Casto	104.25	348.68	36,350.00
Dora L. Radford	24.25	150.00	3,637.50
Valerie H. Raupp	70.00	275.00	19,250.00
Beth A. Hager	0.20	150.00	30.00

10/21/2016	Photocopies	85.40
10/24/2016	Copies of Documents Charleston Blueprint	199.02
10/26/2016	Copies of Documents Charleston Blueprint	53.50
12/12/2016	Photocopies	2.45
12/12/2016	Postage	0.67
12/14/2016	Photocopies	44.80
	TOTAL EXPENSES	385.84

TOTAL CURRENT WORK	87,990.84
	65,190.84

10/06/2016	Payment - Thank you ck# 110545	-3,700.00
10/24/2016	Payment - Thank you ck# 112770	-11,700.00
	TOTAL PAYMENTS	-15,400.00
	BALANCE DUE	<u>\$87,990.84</u>



Lewis Glasser PLLC

300 Summers Street, Suite 700 Charleston, WV 25301

Phone: 304.345.2000

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Marietta Mem. Health Systems
401 Matthew Street
Marietta, OH 45750

Statement Date	01/25/2017
Account No.	9436 36264
Statement No.	4
Page No.	1

RE: Ambulatory Care Center Statute Litigation

PREVIOUS BALANCE	\$87,990.84
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			HOURS	
12/19/2016	TGC	Review Injunction Decision. Emails with WJA and client.	1.00	350.00
	DLR	Telephone call to court reporter regarding copy of transcript.	0.50	75.00
12/20/2016	VHR	Review Order on Injunction. Begin drafting/review and revise responses and objections to Discovery.	0.25	68.75
	DLR	Review L.R.C.P. regarding uniform definitions and compare with definitions in discovery requests.	0.50	75.00
12/21/2016	TGC	Call with Patsy Hardy.	0.25	87.50
12/23/2016	TGC	Emails with Patsy Hardy, WJA and VHR.	0.50	175.00
12/27/2016	VHR	Continue review and revise discovery responses and objections.	1.00	275.00
12/28/2016	TGC	Review and comment on discovery responses. Emails with WJA and VHR.	1.00	350.00
	VHR	Continue drafting/review and revise discovery responses and objections.	2.00	550.00
12/29/2016	TGC	Emails with VHR, WJA and Paul Westbrook.	0.50	175.00
	VHR	Email to expert regarding CV and requested discovery information. Review and incorporate TC charges. Email responses to client for review and comment.	1.00	275.00
01/02/2017	WJA	Review discovery responses and email to VHR and DC.	0.50	175.00
	TGC	Review WJA edits to discovery responses.	0.50	175.00
01/03/2017	TGC	Review Westbrook edits to discovery responses. Conference with VHR. Emails with WJA and VHR.	1.00	350.00
	VHR	Review comments of client and WJA. Revise responses with WJA comments and client comments. Review emails/confidentiality agreement and email regarding same.	1.00	275.00
01/04/2017	BAH	File Certificate of Service regarding Plaintiffs' Responses to Defendants' First		

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Marietta Mem. Health Systems
RE: Ambulatory Care Center Statute Litigation

Statement Date: 01/25/2017
Account No. 9436 3626
Statement No. 4
Page No. 2

			HOURS	
		Set of Interrogatories and Requests for Production of Documents with Court using CM/ECF filing system.	0.20	30.00
	TGC	Emails with WJA, VHR and Paul Westbrook regarding discovery filing.	0.25	87.50
	VHR	Finalize discovery responses and objections. Email to client regarding same.		
		Draft verification. Continue drafting discovery requests to defendants.	3.50	962.50
01/05/2017	TGC	Conference with VHR regarding discovery issues.	0.50	175.00
01/09/2017	TGC	Conference with WJA regarding settlement options.	0.25	87.50
01/10/2017	TGC	Telephone call with Marianne Kapinos. Conference and emails with VHR regarding discovery issues.	0.75	262.50
	VHR	Review Pleadings of HCA-injunction and answer. Review injunction Order. Continue drafting discovery requests and emails and conference with TGC regarding same.	3.00	825.00
	VHR	Conference with TGC regarding interviews.	0.25	68.75
01/11/2017	TGC	Emails with VHR. Emails with WJA and VHR.	0.50	175.00
	VHR	Continue drafting discovery requests and email regarding same. Emails regarding legislative activity and attorney fees.	0.50	137.50
	WJA	Research of applicable law regarding preliminary injunction and prevailing party. Emails to TGC and VHR regarding same.	0.50	175.00
01/12/2017	TGC	Emails with WJA and VHR. Review prevailing party issue. Conference with WJA.	1.00	350.00
			2.00	700.00
		FOR CURRENT SERVICES RENDERED	23.70	7,117.50

RECAPITULATION

TIMEKEEPER	HOURS	HOURLY RATE	TOTAL
W.J. Arceneaux, III	1.00	\$350.00	\$350.00
Thomas G. Casto	9.00	350.00	3,150.00
Dora L. Radford	1.00	150.00	150.00
Valerie H. Raupp	12.50	275.00	3,437.50
Beth A. Hager	0.20	150.00	30.00

12/19/2016	Service of Process Ayme Cochran, RMR, CRR	49.50
	TOTAL EXPENSES	49.50
	TOTAL CURRENT WORK	7,167.00 6,611.25
	BALANCE DUE	<u>\$95,157.84</u>

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Marietta Mem. Health Systems
401 Matthew Street
Marietta, OH 45750

Statement Date 02/28/2017
Account No. 9436 36264
Statement No. 5
Page No. 1

RE: Ambulatory Care Center Statute Litigation

PREVIOUS BALANCE \$95,157.84

			HOURS	
01/16/2017	WJA	Work on requests for admission and review VHR proposed discovery. Exchange emails with VHR and TGC. Research of applicable law regarding preliminary injunction and prevailing party.	2.00	700.00
	TGC	Emails with WJA and VHR.	0.50	175.00
	VHR	Emails regarding discovery requests and revisions to same. Review research regarding number of interrogatories and requests for admission.	0.50	137.50
01/17/2017	WJA	Review request for admission issues with VHR. Revise draft email to Paul.	0.75	262.50
	TGC	Review decision regarding appeal right from Exemption applications. Conference with WJA. Emails with WJA and VHR. Emails with client. Call with Patey Hardy. Review prevailing party case law.	0.50	175.00
	VHR	Review decision in Mon General case. Emails regarding same.	0.50	137.50
01/18/2017	TGC	Conference with WJA.	0.50	175.00
	VHR	Continue review and revise discovery requests.	0.50	137.50
01/19/2017	TGC	Review and comment on discovery requests.	1.00	350.00
	VHR	Continued review and revise discovery requests.	1.25	343.75
01/24/2017	WJA	Receipt and review of deficiency letter. Email to client.	0.25	87.50
	TGC	Conference with WJA. Emails with WJA and client. Review discovery requests with VHR.	4.00	350.00
	VHR	Conference with TGC regarding revisions to discovery requests. Review deficiency letter.	1.25	343.75
01/25/2017	WJA	Review and approve discovery to State. Discuss deficiency letter issues with VHR.	0.50	175.00
	TGC	Emails with WJA and VHR regarding discovery. Numerous emails with WJA, VHR and Paul Westbrook.	4.00	350.00
	VHR	Email regarding discovery and deficiency letter.	0.25	68.75
01/26/2017	WJA	Exchange emails with C. Riley regarding copy of discovery filed.	0.25	87.50

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Marietta Mem. Health Systems
RE: Ambulatory Care Center Statute Litigation

Statement Date: 02/28/2017
Account No. 9436 3626
Statement No. 5
Page No. 2

			HOURS	
	TGC	Emails with WJA and VHR regarding discovery. Emails with WJA, VHR and Paul Westbrook.	0.50	175.00
	DLR	File and serve discovery.	0.50	75.00
	VHR	Emails regarding discovery and deficiency letter. Finalize responses and file.	0.25	68.75
			0.50	175.00
01/30/2017	TGC	Conference call. Telephone call with Patsy. Emails with VHR.	4.00	350.00
	WJA	Review letter from HCA counsel. Conference call with VHR, TGC, Paul and Patsy regarding response to letter.	1.00	350.00
	VHR	Review responses and discovery deficiency letter. Conference call with clients. Draft response to deficiency letter. Review and revise letter. Review emails regarding client information on FMV and study. Emails regarding same.	3.00	825.00
01/31/2017	TGC	Review legislation markup. Emails with MAP and PCW, LGCR GS. Emails and conferences with WJA and VHR. Emails with Paul Westbrook. Email from patsy Hardy with discovery attachment. Conference with PCW.	1.00	350.00
			1.50	525.00
	WJA	Receipt and review of new CON statute. Discuss same with TGC and VHR. Review emails on discovery conference tomorrow.	0.50	175.00
	VHR	Emails regarding discovery deficiency conference with Christine Riley.	0.25	68.75
02/01/2017	TGC	Emails with VHR.	0.25	87.50
	WJA	Telephone conference with VHR and Christine regarding discovery letter.	0.25	87.50
	VHR	Prepare for telephone call with Riley. Telephone call with Christine Riley. Email regarding same.	0.75	206.25
02/07/2017	TGC	Meeting with Patsy Hardy.	4.00	350.00
02/08/2017	TGC	Conferences with VHR and WJA regarding expert report.	0.50	175.00
	VHR	Review and revise deficiency letter / protective order. ID areas of expert testimony required and conference regarding same.	0.75	206.25
02/09/2017	TGC	Emails and conferences with VHR and WJA regarding discovery issues and expert report.	0.75	262.50
	VHR	Continue analysis/review areas for topics for expert testimony. Email to Mr. Gibbs regarding meeting.	0.25	68.75
02/10/2017	TGC	Legislative update on CON with MAP.	0.50	175.00
02/14/2017	TGC	Telephone call with Greg Gibbs, VHR and WJA. Telephone calls with Marianne Kapinos. Emails with Paul Westbrook.	1.00	350.00
	VHR	Emails regarding expert phone call. Review scheduling order and rules regarding content of disclosure in preparation for call. Call regarding disclosure.	1.00	275.00
	WJA	Conference call with G. Gibbs regarding expert report issues. Telephone call from MaryAnn regarding extension on discovery. Review scheduling order. Email to clients regarding status.	1.00	350.00
02/15/2017	TGC	Review legislative issues. Emails with WJA and VHR.	0.75	262.50
	VHR	Review and revise discovery deficiency letter and email to WJA regarding same.	0.25	68.75

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Marietta Mem. Health Systems
 RE: Ambulatory Care Center Statute Litigation

Statement Date: 02/28/2017
 Account No. 9436 3626
 Statement No. 5
 Page No. 3

			HOURS	
FOR CURRENT SERVICES RENDERED			31.00	9,943.75
	RECAPITULATION			
<u>TIMEKEEPER</u>	<u>HOURS</u>	<u>HOURLY RATE</u>	<u>TOTAL</u>	
W.J. Arceneaux, III	6.50	\$350.00	\$2,275.00	
Thomas G. Casto	13.25	350.00	4,637.50	
Dora L. Radford	0.50	150.00	75.00	
Valerie H. Raupp	10.75	275.00	2,956.25	
				7,581.25
TOTAL CURRENT WORK				9,943.75
BALANCE DUE				<u>\$105,101.59</u>



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Marietta Mem. Health Systems
401 Matthew Street
Marietta, OH 45750

Statement Date 03/23/2017
Account No. 9436 36264
Statement No. 6
Page No. 1

RE: Ambulatory Care Center Statute Litigation

PREVIOUS BALANCE

\$105,101.59

			HOURS	
02/16/2017	TGC	Emails with VHR and WJA. Emails with VHR, WJA and Paul Westbrook.	0.50	175.00
	VHR	Review new proposed legislation; emails re: same and stay.	0.25	68.75
02/17/2017	WJA	Receipt and review of email from Paul regarding stay of discovery. Email to Mariann and Cindy regarding stay of discovery.	0.25	87.50
02/20/2017	TGC	E-Mails with Christine Riley, WJA and VHR.	0.50	175.00
	VHR	E-Mails re; discovery stay.	0.25	68.75
02/23/2017	VHR	E-Mails re: discovery stay.	0.25	68.75
02/27/2017	TGC	Telephone call and emails with Patsy Hardy; emails with Mark Polen re: legislative issues.	0.75	262.50
02/28/2017	VHR	Email from Ms. Riley re: reschedule conference on stay.	0.25	68.75
	TGC	E-Mails with Mark Polen re: legislative issues.	0.50	175.00
03/01/2017	WJA	Telephone call from G. Pullin regarding extension on discovery. Exchange emails with Gary regarding same.	0.25	87.50
	TGC	Emails with WJA and plaintiff counsel.	0.50	175.00
	VHR	Email regarding discovery stay.	0.25	68.75
03/07/2017	TGC	Emails with and Telephone calls with Patsy Hardy. Emails with MAP regarding legislative issues and update. Conference with WJA and VHR.	4.00	350.00
03/08/2017	TGC	Emails with MAP regarding legislative issues and update.	0.25	87.50
	VHR	Telephone call and email with Christine Riley regarding discovery/case status and stay.	0.25	68.75
03/09/2017	TGC	Emails with MAP regarding legislative issues and update.	0.50	175.00
03/11/2017	TGC	Emails with VHR and WJA regarding new legislation and impact on case.	0.50	175.00

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Marietta Mem. Health Systems
RE: Ambulatory Care Center Statute Litigation

Statement Date: 03/23/2017
Account No. 9436 3626
Statement No. 6
Page No. 2

			HOURS	
	VHR	Email regarding status and discovery issues.	0.25	68.75
03/13/2017	TGC	Conference with WJA. Emails with Paul Westbrook and Patsy Hardy. Emails with MAP regarding legislative issues and update.	0.50 0.75	175.00 262.50
	WJA	Discuss status with TGC and email to clients regarding pending legislation.	0.25	87.50
03/14/2017	TGC	Emails with Paul Westbrook and Patsy Hardy. Emails with MAP regarding legislative issues and update. Telephone call with Patsy Hardy.	0.50 0.75	175.00 262.50
	WJA	Exchange emails regarding conference call. Discuss Patsy meeting with TGC.	0.25	87.50
03/15/2017	TGC	Calls with Patsy Hardy. Emails with MAP regarding legislative update.	0.25 0.50	87.50 175.00
		FOR CURRENT SERVICES RENDERED	9.75	3,281.25

RECAPITULATION

<u>TIMEKEEPER</u>	<u>HOURS</u>	<u>HOURLY RATE</u>	<u>TOTAL</u>
W.J. Arceneaux, III	1.00	\$350.00	\$350.00
Thomas G. Casto	7.00	350.00	2,450.00
Valerie H. Raupp	1.75	275.00	481.25

1,968.75

TOTAL CURRENT WORK

3,281.25

BALANCE DUE

\$108,382.84



Lewis Glasser PLLC

300 Summers Street, Suite 700 Charleston, WV 25301

Phone: 304.345.2000

FEIN: 55.0486513

Marietta Mem. Health Systems
401 Matthew Street
Marietta, OH 45750

Statement Date 04/27/2017
Account No. 9436 36264
Statement No. 7
Page No. 1

RE: Ambulatory Care Center Statute Litigation

PREVIOUS BALANCE \$108,382.84

			HOURS	
03/19/2017	TGC	Email from MAP regarding Hospital association report on CON.	0.25	87.50
03/20/2017	TGC	Emails with Patsy Hardy, Paul Westbrook and WJA.	0.50	175.00
	WJA	Review status of legislation with Tom.	0.25	87.50
03/21/2017	TGC	Telephone call with Patsy Hardy, Paul Westbrook, VHR and WJA.	0.50	175.00
	WJA	Discuss legislation and options with VHR. Legal Research of applicable law regarding injunction issue and amended statutes. Conference call with TGC, Patsy, VHR and Paul regarding status of legislative issues.	1.50	525.00
	VHR	Review documents/ statute. Telephone call with clients. Review emails regarding amending complaint and injunction.	1.25	343.75
03/22/2017	TGC	Telephone call with Patsy Hardy.	0.25	87.50
03/23/2017	TGC	Emails with VHR and WJA regarding status and impact of new statute. Emails with VHR, WJA and state counsel regarding stay of deadlines.	0.75	262.50
	WJA	Review options for stay. Exchange emails with VHR regarding stay. Revise and email to all counsel joint motion for stay. Review pending legislation.	1.50	525.00
	VHR	Review scheduling order. Email to Criley regarding same. Draft Joint motion to stay. Emails regarding status.	0.75	206.25
03/24/2017	TGC	Emails with Greg Gibbs, WJA and VHR.	0.50	175.00
03/25/2017	TGC	Telephone call with legislative lawyer regarding statute change.	0.25	87.50
03/27/2017	TGC	Telephone call with Jeff Johnson, Health Committee counsel.	0.25	87.50
03/28/2017	TGC	Emails with WJA and VHR regarding motion to stay deadlines.	0.50	175.00
	WJA	Telephone call from G. Pullen regarding objections to stay motion. Revise and file stay motion.	0.50	175.00
	VHR	Review Plaintiff's Motion to stay deadlines.	0.25	68.75

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Marietta Mem. Health Systems
RE: Ambulatory Care Center Statute Litigation

Statement Date: 04/27/2017
Account No. 9436 3626
Statement No. 7
Page No. 2

			HOURS	
03/29/2017	TGC	Conference with VHR and WJA regarding stay. Emails discussing legislative issues.	0.50	175.00
04/03/2017	TGC	Emails and telephone call with Patsy Hardy.	0.50	175.00
04/04/2017	TGC	Emails and telephone call with VHR and WJA.	0.25	87.50
	VHR	Emails regarding status.	0.25	68.75
04/05/2017	WJA	Receipt and review of Defendant Motion to Stay and court order. Email to clients regarding status. Review status with Tom. Exchange emails with MAP regarding legislative question on veto process.	0.50	175.00
	VHR	Review filings. Emails regarding status and HB.	0.50	137.50
04/06/2017	TGC	Conference with WJA. Telephone call with Patsy Hardy. Emails with VHR, WJA, Patsy Hardy and Paul Westbrook.	0.50	175.00
	WJA	Telephone call from Patsy. Review status of veto and options with Patsy and TGC. Discuss complaint amendment with VHR. Email to Patsy and Paul regarding potential for veto.	0.50	175.00
	VHR	Review bill. Begin drafting amended complaint.	0.25	68.75
04/07/2017	VHR	Drafting of amended complaint. Emails regarding same.	2.25	618.75
04/09/2017	WJA	Text from TGC regarding Governor to sign bill. Email to clients regarding same. Review Amended Complaint. Exchange emails with TGC regarding same.	0.50	175.00
	TGC	Emails with WJA and VHR regarding Governor signing CON Bill.	0.50	175.00
04/10/2017	WJA	Research of applicable law regarding motion to amend. Email to SDE regarding same. Discuss amended complaint with TGC and VHR.	1.25	437.50
	TGC	Emails with Paul Westbrook. Review amended complaint. Emails with WJA. Telephone call with Cindy Dellinger, HCA.	0.50	175.00
	SDE	Review correspondence, case law, pleadings and civil action docket. Confer with WJA regarding same.	1.00	300.00
04/11/2017	TGC	Conference and emails with WJA. Review signed HCA reorganization and CON bill.	0.50	175.00
	SDE	Additional review of pleadings and injunction order. Research effect of statutory amendment on existing pleadings/orders. Prepare draft motion for leave to amend complaint and proposed agreed order.	4.50	1,350.00
	WJA	Review new bill. Discuss motion to amend with SDE. Telephone call to and from G. Pullen and G. Cullop regarding same. Discuss path forward for case. Review same with TGC.	0.50	175.00
	DLR	Research for form Motion to amend complaint.	0.25	37.50
04/12/2017	SDE	Revise draft motion and agreed order.	0.50	150.00
04/14/2017	TGC	Conference with WJA. Telephone call with Cindy Dellinger. Emails with VHR and WJA. Review revised documents.	1.00	350.00
	WJA	Revise motion to amend. Prepare second motion for TRO and second standstill agreement.	2.50	875.00

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Marietta Mem. Health Systems
RE: Ambulatory Care Center Statute Litigation

Statement Date: 04/27/2017
Account No. 9436 3626
Statement No. 7
Page No. 3

	HOURS	
FOR CURRENT SERVICES RENDERED	29.25	9,475.00

	RECAPITULATION		
<u>TIMEKEEPER</u>	<u>HOURS</u>	<u>HOURLY RATE</u>	<u>TOTAL</u>
W.J. Arceneaux, III	9.50	\$350.00	\$3,325.00
Thomas G. Casto	8.00	350.00	2,800.00
Spencer D. Elliott	6.00	300.00	1,800.00
Dora L. Radford	0.25	150.00	37.50
Valerie H. Raupp	5.50	275.00	1,512.50

	8,862.50
TOTAL CURRENT WORK	9,475.00

04/05/2017	Payment - Thank you ck# 121617	-87,605.00
04/05/2017	Payment - Thank you ck# 121617	-385.84
04/05/2017	Payment - Thank you ck# 121617	-7,117.50
04/05/2017	Payment - Thank you ck# 121617	-49.50
	TOTAL PAYMENTS	-95,157.84
	BALANCE DUE	<u>\$22,700.00</u>



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Marietta Mem. Health Systems
401 Matthew Street
Marietta, OH 45750

Statement Date 05/23/2017
Account No. 9436 36264
Statement No. 8
Page No. 1

RE: Ambulatory Care Center Statute Litigation

PREVIOUS BALANCE \$22,700.00

			HOURS	
04/17/2017	WJA	Meeting with TGC and VHR regarding issues for amended complaint and motion for leave. How to deal with injunction going forward.	0.75	262.50
	TGC	Conference with VHR and WJA regarding case status and implications of new statute on previous injunction. Telephone call with Cindy Dellinger.	0.75	262.50
	VHR	Conference regarding status. Review case. Begin review and revise amended complain, motion and stand still agreement. Begin revise motion for injunction.	1.00	275.00
04/18/2017	WJA	Telephone call to law clerk and G. Cullop regarding amended pleadings. Research of applicable law regarding amended statute and injunction.	3.50	1,225.00
	TGC	Telephone call with Tim Adkins, HCA regarding exemption filings. Conference with Cindy Dellinger, HCA. Emails with WJA and VHR.	0.50 0.75	175.00 262.50
	VHR	Continue review and revise standstill order. Amended complaint and motion to amend complaint. Draft verification and email to client. Review exemption applications.	5.00	1,375.00
04/19/2017	WJA	Approve motion to amend for filing. Prepare for hearing. Hearing with J. Johnston regarding amended complaint. Research of applicable law regarding substantial amendment and mootness.	3.00	1,050.00
	TGC	Prep for and participate in conference call with Judge. Telephone call with Patsy Hardy. Emails with Hardy and Westbrook. Review various filings.	2.00	700.00
	VHR	Review and review Motion and Amended Complaint. Conferences and emails regarding same.	4.00	1,100.00
	VHR	Continue drafting injunction motion and memo. Attend telephonic status conference. Review motion to dismiss filings and pull cases cited by court. Email regarding same.	2.00	550.00
04/20/2017	WJA	Research of applicable law regarding official capacity suits. Review prelim injunction issues with VHR. Report emails to Paul and Patsy. Receipt and review of order setting hearing. Email to clients regarding same.	1.50	525.00
	TGC	Numerous emails with VHR and WJA. Research of applicable law regarding injunction and substantial change issue. Emails with WJA and Paul Westbrook.	0.50 2.00	175.00 700.00

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Marietta Mem. Health Systems
RE: Ambulatory Care Center Statute Litigation

Statement Date: 05/23/2017
Account No. 9436 3626
Statement No. 8
Page No. 2

			HOURS	
	VHR	Continue review and revise memo for injunction and motion for injunction. Review emails regarding hearing.	2.50	687.50
04/21/2017	WJA	Study maps regarding contiguous counties exchange. Review memo issues with VHR.	0.50	175.00
	TGC	Conference and emails with WJA. Review physician numbers in Wood and surrounding counties.	1.00	350.00
	VHR	Continue drafting injunction pleadings. Emails regarding same.	0.50	137.50
04/23/2017	WJA	Revise second motion for preliminary injunction.	1.00	350.00
	TGC	Emails with WJA and VHR and review motion and memo.	0.50	175.00
	VHR	Continue review and revise memo for injunction and motion for injunction. Review and revise same. Research regarding same.	6.50	1,787.50
04/24/2017	DLR	Filing and service of Motion and memo for TRO.	0.50	75.00
	WJA	Revise second motion for preliminary injunction and memo. File same. Email to clients regarding pleadings. Work with DLR to get Amended Complaint filed.	4.75	1,662.50
	TGC	Emails and conferences with WJA and VHR and review motion and memo. Research of applicable law.	1.00	350.00
	VHR	Continue review and revise injunction pleadings and conferences regarding same.	3.00	825.00
04/25/2017	VHR	Review license regulation regarding amendments (none). Begin second joint stipulation. Conference with WJA and call to opposing counsel regarding same.	0.75	206.25
04/26/2017	WJA	Receipt and review of orders on individual defendants and C. Riley. exchange emails with Client regarding same.	0.25	87.50
04/27/2017	VHR	Review and revise joint stipulations.	0.50	137.50
05/02/2017	TGC	Review Stipulation of Facts.	1.00	350.00
	VHR	Continue review and revise stipulations. Email to opposing counsel regarding same.	1.50	412.50
05/03/2017	VHR	Conference with WJA regarding stipulations. Begin revising.	0.50	137.50
05/04/2017	TGC	Emails and conferences with VHR and WJA. Telephone call with Patsy Hardy.	0.50	175.00
		Emails with VHR and Gibbs.	0.75	262.50
	WJA	Receipt and review of response to preliminary injunction. Receipt and review of second stipulation. Telephone call to law clerk. Telephone call to G. Cullop. Left voice mail. Emails to client. Gibbs and Cullop regarding hearing may be canceled.	0.75	262.50
	VHR	Continue to revise stipulations.	0.50	137.50
05/05/2017	TGC	Review HCA Brief. Emails with WJA. Conference with WJA.	1.00	350.00
	WJA	Receipt and review of WV HCA response brief. Exchange emails with TGC regarding same. Telephone call to law clerk regarding new hearing date. Telephone call to G. Cullop regarding same. Email to Cullop and client regarding potential new hearing date. Work on hearing exhibit with counties		

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Marietta Mem. Health Systems
RE: Ambulatory Care Center Statute Litigation

Statement Date: 05/23/2017
Account No. 9436 3626
Statement No. 8
Page No. 3

			HOURS	
		map.	0.75	262.50
05/07/2017	TGC	Emails with WJA. Review listing of physicians in Ritchie County.	0.75	262.50
05/08/2017	TGC	Emails with VHR, WJA and Greg Gibbs. Review HCA Brief.	1.00	350.00
	WJA	Receipt and review of order. Email to client and G. Gibbs. Receipt and review of amended pleading of WV HCA. Email to TGC and VHR regarding same.	1.00	350.00
	VHR	Prepare hearing exhibit and review with TGC. Email to expert.	0.25	68.75
05/09/2017	TGC	Emails with VHR, WJA and Greg Gibbs.	0.50	175.00
	WJA	Discuss stipulation and other issues with VHR for second injunction.	0.25	87.50
05/10/2017	TGC	Emails with VHR, WJA and Greg Gibbs.	0.50	175.00
05/11/2017	TGC	Emails with VHR, WJA and Greg Gibbs. Conferences with VHR and WJA.	0.75	262.50
	WJA	Review legal issues with VHR. Conference call with G. Gibbs and VHR regarding joint stipulation. Exchange emails with G. Gibbs and G. Cullop regarding joint stipulation and questions.	0.75	262.50
	VHR	Telephone call with Greg Gibbs. Email with additional material. Telephone call to opposing counsel. Emails to opposing counsel regarding stipulation.	1.25	343.75
05/12/2017	TGC	Emails with Patsy Hardy, Westbrook, Gibbs and WJA.	0.50	175.00
	WJA	Telephone call from Patsy regarding status of matters. Questions about hearing. Prepare for injunction hearing.	0.50	175.00
05/15/2017	TGC	Emails with WJA and VHR. Review stipulation.	1.00	350.00
	VHR	Review defendant changes to joint stipulation and emails regarding same. Telephone call to opposing counsel. Begin work on hearing outline.	1.50	412.50
		FOR CURRENT SERVICES RENDERED	66.75	20,918.75

RECAPITULATION

<u>TIMEKEEPER</u>	<u>HOURS</u>	<u>HOURLY RATE</u>	<u>TOTAL</u>
W.J. Arceneaux, III	19.25	\$350.00	\$6,737.50
Thomas G. Casto	15.75	350.00	5,512.50
Dora L. Radford	0.50	150.00	75.00
Valerie H. Raupp	31.25	275.00	8,593.75

20,131.25

TOTAL CURRENT WORK

~~20,918.75~~

05/01/2017 Payment - Thank you
ck# 123291

-9,943.75

BALANCE DUE

\$33,675.00

To ensure proper credit of payment, please include account number on remittance. Thank you.



Lewis Glasser PLLC

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Marietta Mem. Health Systems
401 Matthew Street
Marietta, OH 45750

Statement Date 06/27/2017
Account No. 9436 36264
Statement No. 9
Page No. 1

RE: Ambulatory Care Center Statute Litigation

PREVIOUS BALANCE \$33,675.00

			HOURS	
05/16/2017	TGC	Emails with VHR, WJA, Gibbs and Eckhart. Emails with VHR, WJA and HCA counsel.	0.75	262.50
	VHR	Hearing preparation and joint stipulation issues. Telephone calls with opposing counsel regarding stipulation. Emails with expert. Review and revise stipulation and hearing outline.	4.50	1,237.50
05/17/2017	WJA	Exchange emails and telephone call to VHR and TGC regarding joint stipulation and hearing. Prepare for injunction.	1.25	437.50
	TGC	Emails with VHR, WJA. Review argument and comment on outline. Review Court filings.	1.00	350.00
	VHR	Continue hearing preparation and finalize joint stipulation.	2.00	700.00
			4.00	1,100.00
05/18/2017	WJA	Prepare for and attend second injunction hearing. Exchange emails with Paul regarding status. Receipt and review order and email to clients regarding same.	2.75	962.50
	TGC	Prep for and attend hearing.	1.50	525.00
	VHR	Hearing preparation and attend hearing. Review order.	3.50	962.50
05/19/2017	WJA	Telephone call from TGC regarding Grodon Copland and other calls. Possible resolutions.	0.25	87.50
06/05/2017	TGC	Emails with Mark Polen, WJA and VHR. Review proposed legislation.	0.75	262.50
	WJA	Receipt and review of proposed amendment.	0.25	87.50
06/06/2017	TGC	Conference with Mark Polen. Conference with WJA. Emails with WJA and VHR. Emails with WJA and client.	0.25	87.50
	WJA	Email to client regarding legislative bill and amendments on subsection (12).	0.75	262.50
			0.25	87.50
06/12/2017	TGC	Review CON statute status. Emails with Polen and Woike. Telephone call with Patey Hardy. Emails with WJA and VHR.	1.00	350.00
	WJA	Review status of bill. Discuss with TGC and MAP. Likely to pass.	0.25	87.50

To ensure proper credit of payment, please include account number on remittance. Thank you.

Marietta Mem. Health Systems
RE: Ambulatory Care Center Statute Litigation

Statement Date: 06/27/2017
Account No. 9436 3626
Statement No. 9
Page No. 2

			HOURS	
06/13/2017	TGC	Emails with Polen, WJA and VHR regarding new legislation. Emails with WJA and Paul Westbrook. Review fee cases.	1.00	350.00
	WJA	Review legislative history. Bill heading to Governor. Email to Paul and clients regarding same. Research attorney's fee issues.	.75	262.50
	VHR	Research and conference with WJA regarding attorney fees.	2.00	700.00
			2.75	756.25
06/14/2017	TGC	Emails and conference with WJA regarding issue of costs.	0.75	262.50
06/15/2017	TGC	Emails with Polen. Emails with Patsy Hardy regarding Legislative update.	0.50	175.00
		FOR CURRENT SERVICES RENDERED	30.75	9,656.25

RECAPITULATION

<u>TIMEKEEPER</u>	<u>HOURS</u>	<u>HOURLY RATE</u>	<u>TOTAL</u>
W.J. Arceneaux, III	7.00	\$350.00	\$2,450.00
Thomas G. Casto	9.00	350.00	3,150.00
Valerie H. Raupp	14.75	275.00	4,056.25

6,537.50

TOTAL CURRENT WORK

~~9,656.25~~

BALANCE DUE

\$43,331.25



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Marietta Mem. Health Systems
401 Matthew Street
Marietta, OH 45750

Statement Date 07/21/2017
Account No. 9436 36264
Statement No. 10
Page No. 1

RE: Ambulatory Care Center Statute Litigation

PREVIOUS BALANCE \$43,331.25

			HOURS	
06/16/2017	TGC	Emails with WJA and VHR regarding legislative update. Emails with VHR and MAP.	0.75	262.50
	WJA	exchange emails w/ Valerie re status of legislation mootng case	0.25	87.50
	VHR	Telephone call with Patsy Hardy. Emails regarding status of bill.	0.25	68.75
06/19/2017	VHR	Attorneys fee issue.	0.50	137.50
06/20/2017	TGC	Emails with MAP, WJA and VHR. Emails with Client.	0.50	175.00
06/26/2017	WJA	Telephone call from G Cullop re mootness of case, exchange emails w/ Valerie re same	0.25	87.50
	TGC	Emails with WJA and VHR.	0.25	87.50
06/28/2017	WJA	Research of applicable law regarding dismissal for mootness and permanent injunction.	0.75	262.50
	TGC	Emails with WJA and VHR. Review proposed motion.	0.50	175.00
06/29/2017	WJA	Work on joint motion and proposed order.	1.00	350.00
07/05/2017	VHR	Research regarding attorney fees/ injunction issue.	2.75	756.25
07/06/2017	VHR	Research and analysis of injunction/ attorney fees issues.	6.50	1,787.50
07/07/2017	VHR	Review and revise motion	0.50	137.50
07/10/2017	WJA	Review joint motion and email to G. Cullop and client. Telephone call to G. Cullop. Left voice mail.	0.50	175.00
	TGC	Emails with WJA and opposing counsel with joint motion to dismiss. Emails with WJA and client.	0.75	262.50
07/11/2017	TGC	Emails with WJA and client. Telephone call with Patsy Hardy.	0.50	175.00
		FOR CURRENT SERVICES RENDERED	16.50	4,987.50

To ensure proper credit of payment, please include account number on remittance. Thank you.

Marietta Mem. Health Systems
RE: Ambulatory Care Center Statute Litigation

Statement Date: 07/21/2017
Account No. 9436 3626
Statement No. 10
Page No. 2

RECAPITULATION

<u>TIMEKEEPER</u>	<u>HOURS</u>	<u>HOURLY RATE</u>	<u>TOTAL</u>
W.J. Arceneaux, III	2.75	\$350.00	\$962.50
Thomas G. Casto	3.25	350.00	1,137.50
Valerie H. Raupp	10.50	275.00	2,887.50
			1,868.75
TOTAL CURRENT WORK			4,987.50
07/10/2017	Payment - Thank you		
	ck# 125417		-3,281.25
07/10/2017	Payment - Thank you		
	ck# 125417		-9,475.00
	TOTAL PAYMENTS		-12,756.25
	BALANCE DUE		<u>\$35,562.50</u>



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Marietta Mem. Health Systems
401 Matthew Street
Marietta, OH 45750

Statement Date 08/25/2017
Account No. 9436 36264
Statement No. 11
Page No. 1

RE: Ambulatory Care Center Statute Litigation

PREVIOUS BALANCE \$35,562.50

			HOURS	
07/18/2017	VHR	Continued Analysis/ drafting attorney fees.	0.50	137.50
07/26/2017	VHR	Prepare; Continue attorney fees petition.	0.50	137.50
08/07/2017	TGC	Emails with WJA and opposing counsel.	0.25	87.50
	WJA	E-Mail to G Cullop re status.	0.25	87.50
08/08/2017	TGC	Emails with WJA and HCA counsel.	0.50	175.00
	WJA	E-Mail exchange with G. Cullop re: status.	0.25	87.50
		FOR CURRENT SERVICES RENDERED	2.25	712.50

RECAPITULATION

<u>TIMEKEEPER</u>	<u>HOURS</u>	<u>HOURLY RATE</u>	<u>TOTAL</u>
W.J. Arceneaux, III	0.50	\$350.00	\$175.00
Thomas G. Casto	0.75	350.00	262.50
Valerie H. Raupp	1.00	275.00	275.00

437.50

TOTAL CURRENT WORK 712.50

BALANCE DUE \$36,275.00



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Marietta Mem. Health Systems
401 Matthew Street
Marietta, OH 45750

Statement Date 09/21/2017
Account No. 9436 36264
Statement No. 12
Page No. 1

RE: Ambulatory Care Center Statute Litigation

PREVIOUS BALANCE \$36,275.00

			HOURS	
08/22/2017	WJA	Discuss status with Valerie, email to Cullop re status	0.25	87.50
08/30/2017	TGC	Emails with VHR and WJA/ conference with WJA	0.50	175.00
	WJA	exchange emails with G Cullop re parties dropping claims, no permanent injunction agreed, will prepare joint motion to dismiss as moot	0.25	87.50
09/14/2017	VHR	Review court order and emails with Jay Arceneaux re: same.	0.25	68.75
		FOR CURRENT SERVICES RENDERED	1.25	418.75

RECAPITULATION

<u>TIMEKEEPER</u>	<u>HOURS</u>	<u>HOURLY RATE</u>	<u>TOTAL</u>
W.J. Arceneaux, III	0.50	\$350.00	\$175.00
Thomas G. Casto	0.50	350.00	175.00
Valerie H. Raupp	0.25	275.00	68.75

TOTAL CURRENT WORK 418.75

BALANCE DUE \$36,693.75



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Marietta Mem. Health Systems
401 Matthew Street
Marietta, OH 45750

Statement Date 10/16/2017
Account No. 9436 36264
Statement No. 13
Page No. 1

RE: Ambulatory Care Center Statute Litigation

PREVIOUS BALANCE \$36,693.75

			HOURS	
09/18/2017	TGC	Receipt of notice from court/	0.25	81.25
09/19/2017	WJA	Telephone call from law clerk re status of case, discuss prior stay order and current status	0.25	87.50
10/08/2017	TGC	Email with WJA and VHR	0.25	81.25
10/09/2017	TGC	Email with WJA and VHR	0.25	81.25
10/10/2017	VHR	Review Motion to Dismiss and Exhibit of HCA. Begin analysis and calendar response. Review new exhibit.	0.50	137.50
		FOR CURRENT SERVICES RENDERED	1.50	468.75

TIMEKEEPER		RECAPITULATION		
		HOURS	HOURLY RATE	TOTAL
W.J. Arceneaux, III		0.25	\$350.00	\$87.50
Thomas G. Casto		0.75	325.00	243.75
Valerie H. Raupp		0.50	275.00	137.50
				225.00
TOTAL CURRENT WORK				468.75

10/05/2017	Payment - Thank you ck# 129275	-9,656.25
10/05/2017	Payment - Thank you ck# 128516	-20,918.75
	TOTAL PAYMENTS	-30,575.00
	BALANCE DUE	<u>\$6,587.50</u>

To ensure proper credit of payment, please include account number on remittance. Thank you.



Lewis Glasser PLLC

300 Summers Street, Suite 700 Charleston, WV 25301

Phone: 304.345.2000

FEIN: 55.0486513

Marietta Mem. Health Systems
401 Matthew Street
Marietta, OH 45750

Statement Date 11/17/2017
Account No. 9436 36264
Statement No. 14
Page No. 1

RE: Ambulatory Care Center Statute Litigation

PREVIOUS BALANCE				
				\$6,587.50
			HOURS	
10/17/2017	WJA	Discuss permanent injunction issues with Valerie	0.25	87.50
	VHR	Conference with WJA. Begin research re: permanent injunction issues. Begin drafting response to Motion to Dismiss.	1.00	275.00
10/18/2017	WJA	research applicable law re permanent injunction and mootness, discuss issues with Valerie and Tom	1.25	437.50
	VHR	Research re: permanent injunction, statutory amendment and mootness. Telephone call with WJA re: same. Draft response to Motion to Dismiss as Moot. Review and revise response.	6.50	1,787.50
10/19/2017	VHR	Review email and attachment re: physician practice. Continue review and revise Response to Motion.	2.25	618.75
	WJA	Revise response to Motion to Dismiss, exchange emails w/ Paul re status	0.75	262.50
10/20/2017	MLE	Emails with Valerie regarding Response to Motion to Dismiss; Create Certificate of Service of Response to Motion to Dismiss; final review of Response to Motion to Dismiss; file Motion to Dismiss with Court using ECF System	0.75	112.50
10/24/2017	WJA	Review attorney fees pleadings and case law. Prepare Grubb and Bailey affidavits	1.25	437.50
	VHR	Conference with WJA re: fee petition	0.25	68.75
10/27/2017	VHR	Review Reply and Affidavit filed by HCA. Email to client re: same.	0.25	68.75
10/30/2017	WJA	Telephone call to Mark Goldner re attorney affidavit for fee request	0.25	87.50
11/07/2017	VHR	Begin research re: lodestar amount and fee petition. Research re: peer affidavits.	1.00	275.00
		FOR CURRENT SERVICES RENDERED	16.00	4,587.50

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Marietta Mem. Health Systems
 RE: Ambulatory Care Center Statute Litigation

Statement Date: 11/17/2017
 Account No. 9436 3626
 Statement No. 14
 Page No. 2

RECAPITULATION			
<u>TIMEKEEPER</u>	<u>HOURS</u>	<u>HOURLY RATE</u>	<u>TOTAL</u>
Michael Evans	0.75	\$150.00	\$112.50
W.J. Arceneaux, III	3.75	350.00	1,312.50
Valerie H. Raupp	11.50	275.00	3,162.50
TOTAL CURRENT WORK			3,581.25
			4,587.50
BALANCE DUE			<u>\$11,175.00</u>

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